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COMMISSION OF INQUIRY INTO THE USE OF DRUGS AND BANNED PRACTICES INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON FRIDAY, MARCH 10, 1989

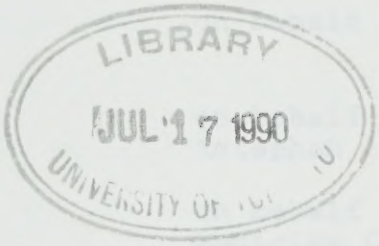
VOLUME 26

NETWORK COURT REPORTING LTD.

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THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
MR. SOJONKY MR. DePENCIER	on behalf of the Government of Canada
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
MR. FALBY D. MANN	on behalf of the Canadian Olympic Association.
C. ASHBY MS. S. HICKLING	on behalf of Bishop Dolegiewicz


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I N D E X O F W I T N E S S E S

NAME	PAGE NO.
CHARLES FRANCIS, Recalled	4822
Examination by Mr. Futerman	4822

--- Upon commencing.

CHARLES FRANCIS, Recalled.

--- EXAMINATION BY MR. FUTERMAN: (Cont'd)

MR. FUTERMAN: Good morning, Mr. Francis.

THE WITNESS: Good morning.

THE COMMISSIONER: Excuse me for a moment. All right. Thank you, Mr. Futerman.

THE WITNESS: Before we start, it's come to my attention overnight a detail that I had forgotten that I should put forward.

When Dr. Astaphan left Canada, he left instructions with a doctor in downtown Toronto to follow up the blood tests and so forth on the athletes. And I was reminded of that overnight. And, in fact, I had driven two of the athletes to -- who didn't have cars to attend this individual for testing. I just thought I would bring that out.

MR. FUTERMAN: Thank you.

THE COMMISSIONER: I am sorry, then you said when you realized Dr. Astaphan wasn't coming back, is that when you -- you said he left instructions?

THE WITNESS: With the athletes to see this doctor. Two of the athletes, in fact, asked me for a drive

because they didn't have cars to visit this doctor to --

THE COMMISSIONER: To be monitored, is that what you --

THE WITNESS: To be monitored, yes.

THE COMMISSIONER: I see. And he left the instructions with that doctor and some of the athletes went. Do you know if they all went or did they all go to see this doctor?

THE WITNESS: Well, I am not sure if all of them went, but I know of two who went because I drove them there.

THE COMMISSIONER: I see.

BY MR. FUTERMAN:

Q. Specifically, do you know if Ben Johnson went?

A. I don't know if he went.

Q. All right. Mr. Francis, I am going to refer you to various drugs or vitamins. And I am going to ask you if to your knowledge, Ben Johnson was taking any or all of these drugs or vitamins.

The first one is a drug called Depomedrol. Are you familiar with that drug?

A. Yes, that's the corticosteroid that was

used to be injected into his heal on two occasions that I am aware of, in Toyko and before the Olympic Games in Seoul. It was placed in the bursa around his Achilles tendon.

Q. Is this drug, to your knowledge, on the banned list?

A. Not for that purpose, no, it is not.

Q. Vitabec, V-I-T-A-B-E-C, are you familiar with that drug?

A. I am not familiar with that one, no.

Q. Ginseng I think has already been mentioned?

A. Yes, that's correct.

Q. All right. Can you tell me about Ginseng?

A. A lot of the athletes like it, use it. They feel it's slightly stimulatory.

Q. And did Ben use Ginseng?

A. Yes, he did.

Q. Is that a liquid or a pill?

A. It can be either.

Q. All right. Does it come in different colors when it's a pill?

A. Yes, I believe so. There are some -- I know in Korea it became very popular. There was some brown, I believe there were brown capsules that were for sale in

the Olympic village. A lot of the athletes used them.

Q. To your knowledge, is Ginseng on the banned list?

A. No, it is not.

Q. To your knowledge I think you said earlier Ben did use that pill from time to time, yes?

A. Yes, he did.

Q. And have you heard of a vitamin or a drug called Decadron, D-E-C-A-D-R-O-N?

THE COMMISSIONER: Sorry?

MR. FUTERMAN: Decadron, Mr. Commissioner.

THE WITNESS: Decadron.

BY MR. FUTERMAN:

Q. Decadron?

A. I believe that's a --

THE COMMISSIONER: Were these all prescribed by Dr. Astaphan.

MR. FUTERMAN: No, I don't know, but we have been advised, and I think there will be evidence called at a later time by one of the witnesses that this was a list of vitamins or drugs that she was given by Ben with the information that these were vitamins and drugs he was using.

THE COMMISSIONER: So, Ben supplied this to one of the other athletes?

MR. FUTERMAN: No, Ben supplied this to one of the doping control officials because before they test somebody they want to know what vitamins or drugs they have been on.

THE COMMISSIONER: I understand.

MR. FUTERMAN: There will be evidence called at a later time, I understand.

THE COMMISSIONER: I wasn't clear where all these drugs were coming from. Okay.

MR. FUTERMAN: There is some logic to it.

THE WITNESS: I believe that's a form of corticosteroid, but I am not familiar with its use. That's the first I have heard of it.

BY MR. FUTERMAN:

Q. To your knowledge, is that on the banned list?

A. If it's used locally, I believe not. If it's what I think it is, I am not entirely sure.

Q. All right. And DMG, have you heard of DMG?

A. Yes. It is a mildly stimulating substance called dimethylglycine. It's supposed to help with the production of ATP and creatine phosphatase. Sometimes you hear athletes refer to that as B-15 although

it doesn't seem to be a proper term for it.

Q. Does that come by injection or by tablet?

A. They come in tablets.

Q. And does it come in various colors?

A. I don't know. I have seen them in little envelopes, little tinfoil packages. They have them sealed and you take one at a time from there.

Q. And to your knowledge, did Ben Johnson take these pills?

A. Yes, to my knowledge. I have seen him with DMG.

Q. And to your knowledge, is that drug on the banned list?

A. No, it is not.

Q. And I am going to have trouble pronouncing this, Elcarinatein?

A. Elcarinatein. It's would of the amino acids .

Q. It's what, I am sorry?

A. An amino acid.

Q. Yes.

A. Many of the athletes use amino acids. Elcarinatein is believed to stabilize the blood sugar, whatever, throughout the day. Some athletes who --

THE COMMISSIONER: I thought earlier you

were challenging Mr. Francis' knowledge of pharmacy and pharmacology. I think you are proving the contrary right now.

MR. FUTERMAN: When it comes to knowing different drugs, I don't think anyone is -- that I have ever met, other than a professional that knows better.

THE COMMISSIONER: I thought you opened up and rather suggested that he didn't have much expertise.

MR. FUTERMAN: I was talking about his expertise in knowing the side effects.

THE COMMISSIONER: I see.

BY MR. FUTERMAN:

Q. In any event, please, carry on.

THE COMMISSIONER: What was the last drug, I didn't hear it.

BY MR. FUTERMAN:

Q. I don't even want to try to pronounce it again.

A. Elcarinatein. It's one of the amino acids. As you know, amino acids, they are a combination of amino acids in protein, that's one of the amino acids.

Q. Is this on the banned list, to your knowledge?

A. No, it is not.

Q. To your knowledge, was Ben Johnson using that drug?

A. I believe it's one of the -- one of the amino acids contained in the Power Pack vitamins he was using.

Q. All right. And to your knowledge -- I am sorry, have you heard of a drug or a vitamin called Q10?

A. No, never heard of it.

Q. And have you heard of a vitamin or a drug called Beroco or Veroco, and I am not sure which one it is?

A. No, I have never heard of it.

Q. There you go, you see, he doesn't know all of them. Have you heard of a vitamin or drug called Sasparilla?

A. Yes, That's a common Island remedy, I wouldn't want to suggest what for, but I think the -- it's commonly termed as "strengthens your back",I believe is the polite way to describe it. In Jamaica you take it so "you don't embarrass yourself in front of woman", as they might say it.

Q. And to your knowledge, was Ben Johnson taking this?

A. He must have been.

Q. How about vitamins B, C and E?

A. Yes.

Q. Was Ben taking those vitamins as well?

A. Yes, he was.

Q. And all of these vitamins and drugs were not on the banned list, to your knowledge?

A. That's correct.

Q. And that -- and that list that we have just talked about that you are aware of would be in addition to all those vitamins that were contained in the Power Pack --

THE COMMISSIONER: I think --

MR. FUTERMAN: -- that we filed as Exhibit 120.

THE COMMISSIONER: -- he said one he thought was --

MR. FUTERMAN: Expect one was already --

THE WITNESS: Yes, one or two would be included.

BY MR. FUTERMAN:

Q. But there is many, many others, many other vitamins that are in addition to the list --

A. Oh, yes.

Q. -- that were in that Power Pack. And once again none of those vitamins were on the banned list --

A. No, they are not.

Q. -- is that correct. And that once again would be in addition to the injections of B-12 and Inosine mixture that we have talked about from time to time, which is not on the banned list as well. Is that correct?

A. That's correct.

Q. All right. Now, can we talk for a moment about the book that you wrote. I don't know if it's been published or not, but which was filed, I believe, as Exhibit 119.

THE COMMISSIONER: Yes, the text on --

MR. FUTERMAN: This is the Talent Identification.

THE COMMISSIONER: Yes. Have you got it there?

MR. FUTERMAN: I have got a copy, it's okay.

THE COMMISSIONER: Give one to Mr. Francis please.

BY MR. FUTERMAN:

Q. And I understand this book may have been written over a long period of time, but when did you write this book?

A. Within the last year.

Q. And it appears --

A. Excuse me, 119, you say?

Q. No, no, I am saying that's the Exhibit number.

THE COMMISSIONER: The Exhibit number.

THE WITNESS: I am sorry.

BY MR. FUTERMAN:

Q. I am not referring you to any page. You may close the book, it may not even be necessary for you to look at it beyond what I may refer to.

I think in the book you have talked about various coaching skills, and techniques, and training, planning, and monitoring, and electronic muscle stimulation, and regeneration. Is that some of the subject matters and many, many others, of course. It's a very thorough book, a very thoughtful book and it covers just about anything that a lay person could possibly think about in terms of developing and coaching athletes. It's very thorough, and I compliment you on it.

This is not the kind of information that would have been available 10 or 20 years ago, is that fair to say, Mr. Francis?

A. Some of it.

Q. Well, would you not say that some of the theories you have expressed are your own?

A. Yes, they are.

Q. You have developed a number of theories that have improved the ability of athletes to run?

A. That's correct.

Q. And you have improved their skills considerably as to what we saw 10 or 20 years ago. Is that fair?

A. I think the key to this would be the selection and the use of training modes that may have been clear many years ago. I don't believe that too many of the individual items would be different than what we have seen going back to the days of Jessie Owens. It's the timing and the selection and the quantities of these things that really determine the differences as much as anything.

Q. Is it not fair to say, sir, that by doing all the things that are in your book, that the potential of an athlete to develop his skills would be improved considerably?

A. Yes, I would say so.

Q. And that was not what was being done probably 10 to 20 years ago?

A. To my knowledge, I would say.

Q. All right. So that in the last 10 or 20 years that we have improved the performance, and I am using you as an example, perhaps we can just about your group.

You have improved their performance by setting up this kind of program or programs for them so that they can improve their skills while they were training with you. Is that fair to say?

A. Yes.

Q. Had they not done these things, and probably 10 to 20 years ago they wouldn't have done many or most of these things, their skills would not have been as good as they are today. Is that fair to say Mr. Francis?

A. I hope it's fair.

Q. I think it is. I don't think there is --

A. Thank you.

Q. -- anyone who can quarrel with your ability as a coach. And I think I have made this clear from time to time.

Finally, sir, you make a statement, on page 1, perhaps you can look at it, although I am sure you remember it well. It says right at the bottom "Don't try to fix something that isn't broken. C. Francis." What do you mean by that, sir?

A. I was referring most particularly to the individual mannerisms of athletes.

For example, if you were to look at Ben Johnson head on in a photograph, in a film, you would see that his body is turned to the left, all the way through the

race. Were you to look at a film of Evelyn Ashford, you would see that she was curved over to the left. If you look at Ben Johnson's start, you will see that it's signicantly different than Mark McKoy or others. Therefore, these would be considered individual mannerisms.

And I believe there is a difference between a mannerism and a mistake. So, I don't try to set an individual mode for each -- mold for each of the individual athletes. I try to view them on their own and set up a training plan and technical procedures that would allow for some individual --

Q. You were not talking obviously about the plight of track and field internationally when you made that statement?

A. No, I was not.

Q. Finally, Mr. Francis, you have stated that your first statement that you made publically after returning to Toronto from Seoul was the statement that earlier had been filed as Exhibit, I believe, 118; is that correct?

A. That's correct, I believe.

Q. Is it fair to say, that this was not the first statement that you made to the media or to the press after Ben Johnson's disqualification?

A. Yes, that's correct.

Q. And that the first statement you made to the press, you denied that Ben Johnson had ever used drugs and that you had ever given Ben Johnson sons drugs?

A. That's correct.

MR. FUTERMAN Thank you, Mr. Francis.

THE COMMISSIONER: Thank you.

MR. FUTERMAN: Thank you, sir.

THE COMMISSIONER: Mr. McMurtry, any questions.

MR. McMURTRY: No, I have no further questions. Thank you, Mr. Commissioner.

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: I was tempted ask Mr. Francis where you get Sasparilla in Toronto, but --

THE WITNESS: It's available on Eglinton Avenue West. If -- I don't have the address on me, but I am sure if you ask any of my athletes they can direct you.

MR. FUTERMAN: There could be a long line up, Bob.

MR. ARMSTRONG: Since Mr. Francis has spent his life in the sprints, he's just gone through a marathon and I don't intend to add to that. I have no questions.

THE COMMISSIONER: Thank you.

Well, Mr. Francis I understand you have some unfortunate serious personal matters that you have learned

of just recently, so, I am going to be shorter than I normally am, but I just want to review a few matters with you to clarify some of the matters and to try to put them in a broader focus than the narrow issue that you have been dealing with.

Perhaps I can turn to the end of this very sad story first, and that's the disqualification in Seoul, which was September 1988.

Now, for some seven years prior to that meet, according to your evidence, Mr. Johnson and other athletes had been on a lengthy steroid program?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: And, of course, had that been known prior to the contest or meet in Seoul, these athletes would have been disqualified?

THE WITNESS: I believe so.

THE COMMISSIONER: Because the ban is to use enhancing performance substances not really not to get caught.

THE WITNESS: That would be correct.

THE COMMISSIONER: So that the -- in that sense, the actual result is an interesting side issue, but the fact of the matter is that Mr. Johnson and others in your group were really by their training disqualified from entering according to the rules of the game.

THE WITNESS: I believe so. It's an interesting dichotomy there because my understanding is that anabolics in that observation would be different than many of the other substances which --

THE COMMISSIONER: I am talking about the banned list of anabolic steroids --

THE WITNESS: Yes.

THE COMMISSIONER: -- with which we are on now. And now, I just want to review the extent of this use of drugs by your athletes including Mr. Johnson, and without detailing the drugs that each time and say sort of take a typical year, say 1987, 1986, we have started in the fall say of '86, where it doesn't matter, the fall of the year, and the athlete would be on three weeks steroid program, one week off, three weeks on; is that right?

THE WITNESS: Well, that was one of the earlier protocols.

THE COMMISSIONER: Later on became six weeks?

THE WITNESS: Six weeks straight --

THE COMMISSIONER: So we have got six weeks say in the fall?

THE WITNESS: Yes.

THE COMMISSIONER: Then you go to the winter meet, the indoor meet, correct?

Please go to page 4841

THE COMMISSIONER: We come back and start in the spring again so we have six more weeks--

THE WITNESS: That's correct.

THE COMMISSIONER: --of steroid program and then we get the summer meets, back in the fall, we have six more weeks.

THE WITNESS: The subsequent year.

THE COMMISSIONER: Yes, but it's November or what ever it is. So we have got three--we have got 18 weeks of steroid program out of what, out of 55 I guess?

THE WITNESS: Well, not exactly.

THE COMMISSIONER: Let me do this. I am going to start in November of '86, in the fall of '86 so we have got six weeks of steroid program in the fall of '86, right?

THE WITNESS: Yes.

THE COMMISSIONER: Six weeks of steroid program in the spring of '87?

THE WITNESS: That's correct, and two more weeks in the summer.

THE COMMISSIONER: And two more weeks in the summer. So that's 14 weeks of the 52?

THE WITNESS: That's correct.

THE COMMISSIONER: So one-third of the time of the training period you would have this extensive

steroid program? A third of the year. I am not good in math, but I have a pretty good memory. Well let's do that. Then we are going back in the fall again of '87 and we have another six weeks?

THE WITNESS: That's correct.

THE COMMISSIONER: So you have got I think 18 weeks in the year, haven't you?

THE WITNESS: It would generally follow a pattern of 14 weeks of the year.

THE COMMISSIONER: All right, for seven years. I would call that a lengthy series of steroid programs, 7 years, 14 weeks a year. That's quite extensive.

THE WITNESS: Yes.

THE COMMISSIONER: And I am not sure I would call that short periods of time over a very limited time, but that's a matter of opinion. Now during that period of time, we have an introduction of several of these different drugs. The Dianabol, right?

THE WITNESS: That's correct.

THE COMMISSIONER: Stanozolol?

THE WITNESS: That's correct.

THE COMMISSIONER: Water-based Dianabol and a stacking of water-based anabol on occasion; correct?

THE WITNESS: Yes.

THE COMMISSIONER: And then this drug which you have described as Estragol in 1985?

THE WITNESS: That's correct.

THE COMMISSIONER: And the athletes were not only having these drugs administered to them by either yourself or Dr. Astaphan, but they had possession of the drugs themselves?

THE WITNESS: Yes, in some instances.

THE COMMISSIONER: So that you were not completely in charge of the actual intake of the drugs or what the athlete may or may not do on his own?

THE WITNESS: That's correct.

THE COMMISSIONER: Now, in 1985, we start with this drug which you say was told to you by Dr. Astaphan as being Estragol?

THE WITNESS: Yes.

THE COMMISSIONER: So for the Estragol before Seoul, we have got three weeks in the fall of '85, three weeks in the spring of '86, right? We are now in the Estragol program.

THE WITNESS: Well, six weeks.

THE COMMISSIONER: Six week, yes. Well not a straight six weeks.

THE WITNESS: Straight six weeks.

THE COMMISSIONER: And then that's nine

weeks. No, that's 12 weeks so far. Six in spring and then you said two more weeks in the summer?

THE WITNESS: Yes.

THE COMMISSIONER: That's 14 weeks of this drug Estragol or what you say is Estragol, and that's for how many years, '85, '86 '87, for four years. So that's 4 times 14, that's 56 weeks over those period of years of Estragol. Now, when Mr. Johnson came back from the European trip in the summer, was it, the summer of '88, he had for him a very disappointing two races?

THE WITNESS: In the later period, yes.

THE COMMISSIONER: We are coming back and he has to get ready for the Olympics and after he has had two pretty disappointing races.

THE WITNESS: I would say that they wouldn't be disappointing to Ben in terms of--Ben's such a tough competitor, he is aware of his capabilities.

THE COMMISSIONER: He came third in Zurich and third the next next time, and what was his time in the second race?

THE WITNESS: 10.26. It was quite slow.

THE COMMISSIONER: Well, 10.26 is the slowest he has run in a long time.

THE WITNESS: Yes, but I wouldn't call that disappointing in terms of--

THE COMMISSIONER: Are you suggesting for a minute that the entourage around him would not be concerned? Here's the last race he is going to have before Seoul, and it's the worst time he has had in two years.

THE WITNESS: But what I am suggesting is that the concern was basically on the nature of the trip and the fatigue that had been caused by the poor planning on our part as opposed to any concern on his part as to his competitive abilities.

THE COMMISSIONER: That would explain it. All right. Then you get back from this European trip. Where are we now? We are now in '88?

THE WITNESS: About the 22nd of August.

THE COMMISSIONER: And you are now just a month away from September 24th?

THE WITNESS: Yes.

THE COMMISSIONER: And you go back on the steroid program?

THE WITNESS: That's correct.

THE COMMISSIONER: Within a month?

THE WITNESS: That's correct.

THE COMMISSIONER: And that steroid program finished when?

THE WITNESS: I believe it was planned for

the 2nd of September. Some of them stopped earlier, one week earlier.

THE COMMISSIONER: That's less than a month from September 24?

THE WITNESS: Yes.

THE COMMISSIONER: And less than 28 days?

THE WITNESS: Yes, on the basis that we were told a 14-day clearance time for this drug.

THE COMMISSIONER: For so-called Estragol. Now on the way now to the Olympics, for the first time diuretics are introduced.

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: The only reason for introducing diuretics was directed to the testing?

THE WITNESS: Yes, the testing that might potentially--

THE COMMISSIONER: So you all must have been concerned, and you never were before, that you are so close to this meet with steroids, that you've got to do something more than just time, you have got to try to speed up the excretion?

THE WITNESS: This is in terms of the testing we expected in Japan ten days earlier, not the Olympic games. We were anticipating that the meet in Tokyo might be tested--

THE COMMISSIONER: And during this period of time, was the program, the steroid program being administered by Dr. Astaphan or yourself? Dr. Astaphan was with you all the time?

THE WITNESS: Dr. Astaphan.

THE COMMISSIONER: And as far as you know, you are not certain exactly what the exact protocol was at that time because you were not administering it?

THE WITNESS: Well, I had a good idea of what the protocol was because I saw the documents and so on that Angella had.

THE COMMISSIONER: Now when we came to the disqualification, I suggest, Mr. Francis, that what puzzled you was not that there was a finding of a steroid, but the stanozolol.

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: Because if they had found what you described as Estragol, you wouldn't have been puzzled?

THE WITNESS: Or some other substance that I wasn't aware of because I wouldn't know what the --

THE COMMISSIONER: So what the puzzlement was for you was that this was stanozolol?

THE WITNESS: That's correct.

THE COMMISSIONER: And if it had been some

other steroid, well that might have been the buildup in the system all those years?

THE WITNESS: Well, I wouldn't suggest it would be a buildup all those years, but it could be a residual amount from the last amount or there was some difficulty in the clearance we had not encountered through this test.

THE COMMISSIONER: Now in '85, Dr. Astaphan told you that he was going to leave water-based Dianabol, I think, and go to Estragol?

THE WITNESS: Yes.

THE COMMISSIONER: Had you ever heard of Estragol before?

THE WITNESS: No, I had not.

THE COMMISSIONER: Had you ever seen it?

THE WITNESS: No, I hadn't.

THE COMMISSIONER: Do you know who manufactures it?

THE WITNESS: No, I did not at all.

THE COMMISSIONER: Do you know whether it even comes in a water-based solution?

THE WITNESS: No, I did not. My understanding was it was from France or someplace. I really didn't know too many details about it, and I simply assumed that it was a--

THE COMMISSIONER: It's only because Dr. Astaphan -- we have the exhibit here, it's only because he told you it was Estragol. Did he ever tell you what the compound was of Estragol, what it was?

THE WITNESS: No, he did not.

THE COMMISSIONER: And it's only on that basis that have concluded that it was Estragol?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

THE WITNESS: At a later date I was told it was Furazabol, but I wasn't told that initially.

THE COMMISSIONER: Those are both the same thing, Estragol and Furazabol?

THE WITNESS: Well, that was my understanding.

THE COMMISSIONER: You had never seen Furazabol either before this, never heard of it?

THE WITNESS: No, I had never heard of it.

THE COMMISSIONER: Well, with all your knowledge of all these -- with all respect, there is a few of them. I have a higher regard for your knowledge in these matters than Mr. Futerman does. But you have never heard of that before and was told to you by Dr. Astaphan?

THE WITNESS: Yes. I might explain there are literally hundreds of different permutations and

combinations of steroids possible. The concept became to find a steroid that would, in fact, have metabolites where even if they were still present, would not show up on the mass spectrometer because it was ahead of the lab's ability to identify them.

THE COMMISSIONER: Well, we're going to hear more about metabolites later.

THE WITNESS: In other words, the breakdown products of the steroid. The actual steroid might only be there for a few days, but the by-products would be there for a significantly longer period of time.

THE COMMISSIONER: All right. So now going back, if I may, to your explanation of why you embarked on this steroid program, it was I think at one time that you were satisfied that if you were to carry out, would you have believed your mandate to be, that is to train high-performance athletes able to qualify in the international field?

THE WITNESS: Yes.

THE COMMISSIONER: You thought that was your principal mandate?

THE WITNESS: Yes, I did.

THE COMMISSIONER: And I think you explained that you had made a study of performances over the years, and try to account for, take the female,

sprinters.

THE WITNESS: Yes.

THE COMMISSIONER: May I digress for a minute. You train 100 metres, 220, 440 as well?

THE WITNESS: Yes, 400 metres also.

THE COMMISSIONER: 400 metres, I'm sorry. It shows my age a bit. I'm still talking yards.

THE WITNESS: Only minimally in the 400 metres.

THE COMMISSIONER: You don't do the relay, do you?

THE WITNESS: If I don't have to.

THE COMMISSIONER: So we are talking sprints. 100 metres, 200 and 400 metres?

THE WITNESS: Yes, and primarily the women's 400 metres because of the similarities in training between one and four in women.

THE COMMISSIONER: You have this graph for us which you say you couldn't account for the dramatic increase performance in a relatively short period of time in the women's sprint events?

THE WITNESS: That's correct.

THE COMMISSIONER: Well, now what about the men's sprint events? We haven't got a similar chart for them.

THE WITNESS: Yes. I simply prepared one on the basis of my initial decision, which of course involved Angella.

THE COMMISSIONER: Well, then let's take the men's times that my coach Armstrong has provided me with.

THE WITNESS: Actually, I supplied him.

THE COMMISSIONER: In 1912, the record was 10.6?

THE WITNESS: Yes, that would be 10.84 electronically.

THE COMMISSIONER: 10.84 electronically. But just see how it was moving before electronic starting. In 1921 it was 10.4. So in, what, almost ten years it was down 2/100ths of a second we are talking about?

THE WITNESS: Two-tenths.

THE COMMISSIONER: Two-tenths of a second. And then by 1960, it was down to 10.0?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: So in 48 years, it went from 10.6 to 10.0. That's six-tenths of a second.

THE WITNESS: That's correct.

THE COMMISSIONER: And that seems to be a slow, steady performance. There's nothing dramatic about that, is there, because I am not, obviously, an athlete.

THE WITNESS: Well, it's dramatic in a meet. I think the best way to compare it is metre by metre rather than a tenth, assuming that a person who is now running 10.0 is, in fact, beating the previous guy by six yards or more.

THE COMMISSIONER: I am just watching the progression before electronic timing, and it seems to me just by look at it, it was just slow, gradual, which could be accounted for by better training, better nutrition, better tracks, better equipment.

THE WITNESS: To some extent. However, there are records of anabolics use going back to 1936 in the men's events with the international testosterone by the German teams and so on.

THE COMMISSIONER: I don't think we can accept the premise, say, that all these record holders back in the early days were all on steroids.

THE WITNESS: No, but I am suggesting that it existed and particularly in competitive men's events as early as 1936 there was known use. In fact, I talked to a guy on German television who informed me that he had spoken to an old fellow and that the German team in 1936 who had been using testosterone.

THE COMMISSIONER: Well, that's a singular event, but it would not form the basis of any general

assessment.

THE WITNESS: No, I am simply pointing that out because of the very long exposure in many, many years that these things happened--

THE COMMISSIONER: Well, in 1968, that's 56 years after 1912. It was down to 9.9 before electronic. Jim Hines.

THE WITNESS: Yes.

THE COMMISSIONER: So over 50 years it's come back from 10.6 to 9.9 which is 7/10ths of a second. Is that right?

THE WITNESS: Yes. I believe there were some electronic times along the way.

THE COMMISSIONER: Well, I have one. 1968 was the first one I have. Jim Hines, 9.95.

THE WITNESS: Yes, that's correct, but there is some confusion, but my understanding is that potentially Bob Hayes ran a 10.06 during a record run in Tokyo. There is quite a confusion between hand and electric. It's believed he ran 10.06 electric there, but I haven't seen it confirmed.

THE COMMISSIONER: Well, in 1968 I had 9.95 electronically by Jim Hines.

THE WITNESS: That's correct.

THE COMMISSIONER: And then 25 years later,

Calvin Smith 9.93.

THE WITNESS: Well, '68 to '83, yes.

THE COMMISSIONER: How many years is that? 15 years. So in 15 years, that's only 2/100ths of a second difference?

THE WITNESS: Yes, I think we should point out also, there is another element of confusion in there, that those two records, both Calvin Smith's and the record by Jim Hines, were run at 7800 feet of altitude which is worth an additional tenth of a second. So in other words, the 9.95 at sea level should have been worth approximately 10.06.

THE COMMISSIONER: That would make it slower.

THE WITNESS: Yes, because the--

THE COMMISSIONER: Performance isn't increasing very dramatically?

THE WITNESS: No. So if you looked at the sea level--

THE COMMISSIONER: Therefore this premise, I am not challenging your belief that this was necessary to compete, but I am wondering where the foundation for it was in the men's sprint events.

THE WITNESS: On the basis of my knowledge of the use of these anabolics going back to 1964 with

sprinters in the 100 metres at the very minimum.

THE COMMISSIONER: Well, then adopting that premise, from 1979, some of those that you were training were on this anabolic steroid program from '79 on?

THE WITNESS: Of the men to my knowledge from 1981, yes.

THE COMMISSIONER: When I say some, I am not talking about just Mr. Johnson, I am talking about your athletes. Issajenko starts in there.

THE WITNESS: Yes.

THE COMMISSIONER: And others were not; is that right?

THE WITNESS: That's correct.

THE COMMISSIONER: Now, when did the government funding program come into place, do you recall, for the athletes?

THE WITNESS: I believe around the end of--well, middle of 1974 I believe.

THE COMMISSIONER: So as you know, unlike the United States, track and field and all the sports federations are funded substantially by public funds?

THE WITNESS: That's correct.

THE COMMISSIONER: Mr. Bourque can help me. I think the budget for the Track and Field Association last year was something like $4 million. Take over half,

so over 2 million was funded by the Government of Canada. I think something like that. Don't hold me to the figures. And in addition to that, the Government embarked on this funding of their athletes with a view of trying to promote, give them an opportunity - certainly those that couldn't afford it - to pursue their athletic endeavors and academic studies as well because the funding is for allowance plus scholarship?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: Now we heard, there are three categories of cards, A, B and C.

THE WITNESS: That's correct.

THE COMMISSIONER: A is the top one. How did your athletes -- who were on the A-carded athletes, do you recall, take in '88, say, '87?

THE WITNESS: Well, I guess it depended often on relay rankings too because sometimes--

THE COMMISSIONER: I am going to ask you how you become a card, but how many approximately would you have?

THE WITNESS: How many--

THE COMMISSIONER: A-cards.

THE WITNESS: Well, the maximum was in 1984 when they had the relay medals because each of those individuals would move up so you had--

THE COMMISSIONER: We are going to come to that.

THE WITNESS: We had 14 athletes at that time at the highest number.

THE COMMISSIONER: How would the sprinters, and include the relay for that, how would you determine whether they would be a Card A, Card B or a Card C?

THE WITNESS: Well, if they were in the top four in the world, they would be an A-card; top eight in the world would be a B-card and that's all as opposed to the individuals--

THE COMMISSIONER: Top four in the world or--

THE WITNESS: Top four teams.

THE COMMISSIONER: Well, take an individual sprinter though. Forget about the relay.

THE WITNESS: He would be a top A individual.

THE COMMISSIONER: In other words, his performance would have to be within the top eight in the world?

THE WITNESS: That's correct.

THE COMMISSIONER: And you were satisfied that the steroid program along, of course, with specific training procedures, enhances performance?

THE WITNESS: That's correct.

THE COMMISSIONER: So your theory is that that is necessary to play in the so-called level playing field internationally because they are on steroids too?

THE WITNESS: That was my feeling, yes.

THE COMMISSIONER: But applying this to the funding program of Canada, your athletes would have an advantage, those that were on drugs, over those who are not on drugs, right?

words, it's still a high standard. For example, to be carded, a highschool boy would have to run faster than Jessie Owens did to achieve that level, but that's certainly attainable. To move to the very top individually --

THE COMMISSIONER: What about B now? What about B?

THE WITNESS: B is possible, yes.

THE COMMISSIONER: But very difficult?

THE WITNESS: But difficult, very difficult, though.

THE COMMISSIONER: And A impossibly, really?

THE WITNESS: Individually. In other words, you could be on a relay team where others who perhaps were on would aid you in participating. And we know of cases where that was so. But for the individual, I would believe in the events with which I am familiar, it would be necessary.

THE COMMISSIONER: Well, I am just exploring this because it is -- I am trying to see how it works out.

So, that but in Canada, your people are -- your top athletes, they are going to win or should win. I mean to acknowledge you are an excellent coach and they

get this help, and they are competing with other athletes in Canada, in the same races, and they haven't got -- they are not going to win?

THE WITNESS: Well, first of all, that's assuming that other athletes in Canada are not using anabolic steroids which is not the case --

THE COMMISSIONER: Isn't it the fact that over these some years that other coaches were looking at the high performance of your group and saying, why, is it so, why does Charlie Francis' athletes always win and I have got good athletes in my camp, I am a pretty good trainer, I can't beat those people?

THE WITNESS: Well, first of all, that's assuming that indeed none of the athletes on their own or the coaches used anabolics either --

THE COMMISSIONER: I am assuming that?

THE WITNESS: If you are assuming that --

THE COMMISSIONER: Wasn't there several complaints about -- you may say it's jealousy or rivalry, but those people said they had a legitimate concern that somehow their athletes didn't have a fair chance?

THE WITNESS: If indeed they believe that their athletes had not used anabolics, and that is true, but I might point out also why they would be aware of indeed the fact that our athletes are on drugs. It's not

that our athletes are wearing a sign or advertising it, the fact is that their performances are at the highest level in the world. And if -- they are aware of the international scene as I am.

THE COMMISSIONER: Those who were in charge of the CTFA must have known that, too. They must watch the times and the performance, if you are right on that measure, that they would know too?

THE WITNESS: I would feel that anyone would know if they, like I, had looked at the scene I believe that they would either be intelligent enough to figure it out that in fact if our athletes are competing at the highest level in the world --

THE COMMISSIONER: Were you questioned by the CTFA or by Sports Canada or any -- about this over the years? Did anybody come to you and say, Mr. Francis, I want to talk to you, it may be unfair, but all the other coaches, they are complaining that they are not having -- they are not getting a chance to win because your people are on steroids. And I won't have my people on steroids.

THE WITNESS: I was told there had been complaints, but I wasn't directly confronted other than as I have testified.

THE COMMISSIONER: Now, also these carded athletes are -- since 1983, you recall the increased

concern over the use of steroids because of the Pan-American Games in Caracus.

THE WITNESS: That's correct.

THE COMMISSIONER: And because of that Sports Canada, issued directives to all sports federations, one of them being that every carded athlete must sign -- must have as a condition in his contract that he is not going to be in possession or use steroids?

THE WITNESS: That's correct.

THE COMMISSIONER: All right. And that was mandated also to be in the coach's contract, though I see a copy of your contract and for some reason it's not there?

THE WITNESS: Yes.

THE COMMISSIONER: But you knew that?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: So, you knew then that the two things were happening to your young athletes, or some not as young as others, they were not only conducting themselves in accordance -- contrary to the rules of the government of the international competition, and were cheating, I know you have a theory that if it was a level playing field that they are not cheating, I think that means that everybody is cheating.

THE WITNESS: Yes.

THE COMMISSIONER: All right. But and also violating the very terms upon which they are getting this funding?

THE WITNESS: Yes. And, in fact, many of the athletes felt strongly enough about this that they actually crossed the agreement out in their contracts and wouldn't sign it.

THE COMMISSIONER: No, I think they might have crossed out the random testing part, they could not cross out the fact that they agreed not to be in possession of steroids? Are you suggesting --

THE WITNESS: I am not aware of how they dealt with it.

THE COMMISSIONER: Then the CTFA have no right to take their contract because that's in the Sports Canada directive.

THE WITNESS: Okay.

THE COMMISSIONER: So, looking forward then beyond the present matter, my view at the moment, I have got nothing firm on this, is that in Canada we have embarked upon a program of financially supporting athletic competition to something like $60-odd million in sports, the most recent report of a study with recommending it be increased substantially over the years. And then we all have this funding program, but certainly it should not be

administered in a way that if you cheat you are going to be carded at the highest level, if you don't you are not?

THE WITNESS: I would agree with that.

THE COMMISSIONER: Well, how do we approach that? How do we solve that problem? I mean I know that the answer is that if you are going to continue funding, you have got to make certain that the rules of the game are applied, the contract applied. And with respect, the reason for the ban on steroids is twofold: One is the ethical issue. The second, the health issue.

I have heard your views about this and they may be sincerely held, but we have -- we are going to go into that in much more detail than that.

Digressing for a minute, Mr. Armstrong had supplied to Mr. Futerman a medical report which will be produced by the doctor, and indicates that at one period of time he observed a swelling of the breast tissue of Mr. Johnson. You say you were never told that?

THE WITNESS: No, I was not.

THE COMMISSIONER: Did you ever observe it yourself.

THE WITNESS: No, I did not.

THE COMMISSIONER: And was that one of the factors that you would be concerned about as a side effect? Had you heard of that as a side effect?

THE WITNESS: Yes, I would be concerned, especially in light of the dosages concerned. By all reports that I know of from any doctor that should not be observed in the dosages given.

THE COMMISSIONER: Well, we will hear more about that because it will be introduced when the doctor is called as a witness.

THE WITNESS: Yes.

THE COMMISSIONER: As you know, the Government of Canada has been sort of taking a lead to try to get all countries to eliminate drugs, which I gather you would very much support?

THE WITNESS: Yes. Perhaps I am editorializing here, but if you want to get to the root of the problem, I don't think there is an athlete out there, and you are seeing this now, the testimony that's coming out of this Inquiry is such that it's hitting the whole world of sport. And in fact, what's happening is all the athletes and some of the physicians who are involved are saying, yes, it's true. They -- all of the officials all over the world are saying no, it's not. And before we can begin to address the problem --

THE COMMISSIONER: Well, not all, because there's been some others who have reacted the other way.

THE WITNESS: Yes, well I hope so. But I

love the sport, I believe I would like to see the thing cleaned up for many reasons. I believe our athletes would be on a level playing field, would be in the same place they are now perhaps even higher because from a drug technology and so forth, we can't compete with the supper powers in that area.

We would be far in -- we would be greatly advantaged if in fact the situation was cleaned up and, of course, everyone wants to be on the up and up on the whole thing if they can. We wouldn't be faced with sort of a dilemma that the athletes are all facing.

THE COMMISSIONER: It is a rather sad commentary, though, that at the moment the government of Canada is spending $400,000.00 just for last year just for the testing. And it's been suggested that they do more. And is there any other way than random testing?

THE WITNESS: In my opinion, no, and -- but it must be recognized and has not been recognized. I brought this up in earlier cross-examination that Mr. Mike Mercer, who was a coach of Mike Yerasim (Phon), an athlete I remember for many years involved in the throwing events, brought this up at the Coaches Association of Canada meeting in 1983, when are we going to address the Olympic selection standards, when we are going to address the carding standards involving --

THE COMMISSIONER: I was going do ask you about that, that's the next point I was going to address because it seems to me that it may be an error to, again, without any firm views, to limit carding to these international performances. Perhaps they should be given to our best Canadians whether they can win the medal or not?

THE WITNESS: Well, that is on the proviso and on the understanding that the testing will be random enough and thorough enough to show that in fact athletes are not using anabolic steroids anyway, and still getting support at a lower level. This was covered in weightlifting where some of the weightlifters indeed who had been carded on this new formula reducing the standards had indeed been using anabolics anyway. So, it has to be twofold.

THE COMMISSIONER: They have reduced the standards of weightlifting a bit now, I understand, but should -- perhaps the standards, perhaps you shouldn't have to be the top 8 in the world to be carded as a sprinter?

THE WITNESS: I think that you would have to recognize that.

THE COMMISSIONER: Because in your views those are not real performance standards up there?

THE WITNESS: But I want to also point out that the athletes I was involved with are competitive individuals as I was. There was no carding in my day, there was no financial reward available, and yet I chose to use anabolics anyway, because I wanted to compete on the highest possible plain. And my athletes were going to face that dilema themselves whether I supported it or not.

THE COMMISSIONER: Well, the purpose of the funding is to help those who couldn't otherwise afford it to spend a lot of time to pursue their athletic endeavours instead of having to get a job plus going to -- a schlorship for the studies.

A. Yes, I agree that's very helpful, but I think we simply have to address the fact that athletes are very, very highly motivated individuals who want to rise to the highest level of athletic endeavour and they would like to do it on an even playing field.

THE COMMISSIONER: Well, but they --

THE WITNESS: If they could.

THE COMMISSIONER: -- the great danger is when people are induced to cheat one way, they are tempted to do so in future life when they meet other types of competition. It's a very dangerous course to embark upon.

THE WITNESS: It's very possible. It certainly -- it leads to a cynical view unfortunately

because of the denials that are going on of the reality of international sport at this time.

THE COMMISSIONER: Well, we will see.

THE WITNESS: I do believe that we have an opportunity now. I believe people will be coming forward now who would not have otherwise. And you hear the comment over and over again with athletes even who have been implicated themselves and are indeed denying it, they still will say that they would like the thing cleaned up because they are doing it, but they don't want to be in that situation. They want to eliminate it as well. I believe it's a dilemma that is more enforced by the structure of the sport rather than the athletes themselves who are in it.

THE COMMISSIONER: Well, I am going to let you go because you have been here a long time and I want to thank you for your frankness, Mr. Francis. And thank you.

THE WITNESS: Thank you.

THE COMMISSIONER: Monday morning? Excuse me, Mr. Armstrong.

MR. ARMSTRONG: Yes. There has -- just first of all before Mr. Francis leaves the stand, one thing we didn't do and I don't know whether you want it filed as an Exhibit, we do have available a copy of Mr.

Francis' contract, which we did not mark as an Exhibit, which may have been an oversight on my part.

THE COMMISSIONER: We will have it, we will put it in later.

MR. ARMSTRONG: All right, we can put it in when -- perhaps when somebody from the CTFA or somebody else is on the stand.

Now, so far as Monday morning is concerned, Ms. Chown and I are prepared to proceed with next witness. There have been a number of inquiries from a number of people outside of the counsel present about who the next witness is. We, of course, have told other counsel who the next witness is.

We are, as counsel, Mr. Commissioner, prepared to cooperate and inform others who the next witness is, but we share very much your concern that our witnesses be left alone and free to come forward and testify without being approached before they go into the witness box, particularly immediately before they go in.

And as counsel, Ms. Chown and a would like to announce who the next witness is, but in the hope that that witness will have her weekend free to do as she will. And quite frankly, if that doesn't turn out to be the case, subject of course to your direction, we have no intention of announcing publically who the witnesses will

be.

THE COMMISSIONER: All right. Well, what are you going to decide -- what are you going to do?

MR. ARMSTRONG: I am going to tell you and others who the next witness is, but I hope I have your support in the statement that I have just made.

THE COMMISSIONER: You know very well my views on that and I am sure the media understand that.

MR. ARMSTRONG: All right, the next witness on Monday morning will be Angella Issajenko.

THE COMMISSIONER: Thank you. Monday morning at 10:00. Thank you again, Mr. Francis, for your help, I appreciate it.

--- Whereupon the hearing adjourned until Monday, March 13, 1989, at 10:00 a.m.